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(Attorney for United States Trustee)

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

In re ) Case No. 14-61111-7  
 )  
NITTY GRITTY DIRT, LLC, )  
 )  
Debtor. )

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MOTION TO DISMISS; AND NOTICE

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Acting United States Trustee Gail Brehm Geiger (“UST”), through her counsel, Neal G. Jensen, pursuant to Rule 1017, F.R.B.P. and Mont. LBR 1017-1(a), respectfully moves the Court to dismiss the above-entitled case on the following ground:

Debtor is a limited liability company. The petition commencing this case was signed by Steven L. Cavanaugh, as President of the debtor LLC. The petition was not signed by an attorney and no attorney has entered an appearance on behalf of the debtor. It is well-settled that a corporation or LLC, as a legal entity, has no ability to file or prosecute a bankruptcy case “pro se” and must appear through an attorney. *See, e.g., Rowland v. California Men’s Colony*, 506 U.S. 194, 113 S. Ct. 716, 721, 121 L.Ed.2d 656 (1993) (“a corporation may appear in the federal courts only through licensed counsel”); *Licht v. America West Airlines, Inc.*, 40 F.3d 1058, 1059

(9<sup>th</sup> Cir. 1994) (“corporations... must appear in court through an attorney”); *Spencer C. Young Invs.* 2009 WL 901654 (Bankr. M.D.N.C. 2009); and *In re A's, Inc.*, 2009 WL 3571247 (Bankr. D. Idaho 2009). This prohibition is also recognized in this Court’s local rules at Mont. LBR 1074-1.

WHEREFORE, the Court is requested to order the dismissal of this case unless the debtor immediately retains counsel authorized to practice before this Court.

DATED this 24<sup>th</sup> day of September, 2014.

GAIL BREHM GEIGER  
ACTING UNITED STATES TRUSTEE  
REGION 18

By: /s/ Neal G. Jensen  
NEAL G. JENSEN  
Assistant United States Trustee  
Attorney for United States Trustee

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**NOTICE OF OPPORTUNITY TO RESPOND  
AND REQUEST A HEARING**

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**If you object to the motion, you must file a written responsive pleading and request a hearing within fourteen (14) days of the date of the motion. The responding party shall schedule the hearing on the motion at least twenty-one (21) days after the date of the response and request for hearing and shall include in the caption of the responsive pleading in bold and conspicuous print the date, time and location of the hearing by inserting in the caption the following:**

**NOTICE OF HEARING**

**Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Location:** \_\_\_\_\_

**If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.**

DATED this 24<sup>th</sup> day of September, 2014.

/s/ Neal G. Jensen  
NEAL G. JENSEN

CERTIFICATE OF MAILING

I, the undersigned, Neal G. Jensen, Assistant United States Trustee, do hereby certify under penalty of perjury that a copy of the within and foregoing Motion to Dismiss, and Notice was sent by first class mail postage prepaid on the 24<sup>th</sup> day of September, 2014, at Great Falls, Montana, and directed to the following:

Nitty Gritty Dirt, LLC  
143 Price Road  
Three Forks, MT 59752

/s/ Neal G. Jensen  
NEAL G. JENSEN